

Docket No. 14-1534, -1558

**United States Court of Appeals
For the Federal Circuit**

Wright Manufacturing, Inc.,

Patent Owner-Appellant,

v.

The Toro Company,

Third Party Requester-Appellee,

*Appeal from the United States Patent and Trademark Office in Reexamination No.
95/001,742*

**UNOPPOSED MOTION TO EXTEND THE DUE DATE FOR FILING
APPELLEE'S OPENING BRIEF**

Pursuant to Rule 26(b) of the Federal Circuit Rules, Appellee The Toro Company (“Toro”) respectfully requests a thirty-day extension of time to file its opening brief. Toro’s opening brief is currently due November 13, 2014. The extension would make Toro’s opening brief due December 15, 2014. Toro has not previously sought an extension. Appellant Wright Manufacturing, Inc., does not oppose this motion.

Good cause exists for this extension. Lead counsel for Toro is currently preparing for an oral argument in this Court dated for October 7, 2014. In

addition, she is also preparing an opening appeal brief in another case, due November 14, 2014. A thirty-day extension of time would allow counsel to meet her obligations in these and other pending cases.

CONCLUSION

For these reasons, Toro respectfully requests that the date by which it must file its opening brief be extended by thirty-days, up to and including December 15, 2014.

Dated: October 3, 2014

s/Rachel C. Hughey

Rachel C. Hughey
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Attorney for Appellee The Toro Company

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DECLARATION OF RACHEL C. HUGHEY

I, Rachel C. Hughey, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in the State of Minnesota, and I am admitted to practice before this Court. I am an attorney with the law firm of Merchant & Gould P.C., and counsel of record for Appellee The Toro Company (“Toro”) in this action. I make this declaration in support of Toro’s motion for an extension of time to file its opening brief.

2. Toro requests a thirty-day extension of time to file its opening brief from November 13, 2014 to December 15, 2014.

3. Toro has not previously sought an extension.

4. I contacted counsel for Appellants Wright Manufacturing, Inc. (“Wright”), regarding Toro’s requested extension. Wright has indicated that it does not oppose this motion.

5. Good cause exists for the requested extension. I am currently preparing for an oral argument in this Court in *Phil-Insul Corp. d/b/a Integraspec v. Reward Wall Systems, Inc. et al*, No. 14-1078, set for October 7, 2014. In addition, I have an opening appeal brief in another case, *Integrated Technology Corp. v. Rudolph Technologies, Inc.*, No. 14-1820, due November 14, 2014. A thirty-day extension of time would allow counsel for Toro meet its obligations in these and other pending cases.

s/Rachel C. Hughey
Rachel C. Hughey
Attorney for Appellee The Toro Company

CERTIFICATE OF INTEREST

Counsel for Appellee The Toro Company certifies the following:

1. The full name of every party represented by us is:

The Toro Company

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by us is:

Not applicable

3. All parent corporations and any other publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by us are:

Not applicable

4. The name of all law firms and the partners or associates that appeared for Third Party Requester-Appellee The Toro Company before the United States Patent and Trademark Office or are expected to appear in this Court are:

Merchant & Gould PC

Rachel C. Hughey
Anthony R. Zeuli
Katherine E. Muller
3200 IDS Center
80 S. Eighth Street
Minneapolis, MN 55402

James W. Miller
Rand Tower, Suite 1960
527 Marquette Avenue
Minneapolis, MN 55402

October 3, 2014

s/Rachel C. Hughey

Rachel C. Hughey

Attorney for Appellee The Toro Company

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2014, a copy of

- Unopposed Motion to Extend the Due Date for Filing Appellee's Opening Brief;
- Declaration of Rachel C. Hughey; and
- Certificate of Interest.

was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

VIA ECF:

Clerk of Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Room 401
Washington, DC 20439

VIA ECF:

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s/Rachel C. Hughey
Rachel C. Hughey
Attorney for Appellee The Toro Company